

This rejection is improper and should be withdrawn for at least the following reasons. First, the article itself is non-enabling. In other words, the mere mention of a web application that helps optimize turbine performance by comparing their turbines to others combined with the ability to select upgrade options is hardly sufficient to enable one skilled in the art to make and use the invention claimed in this application. To the extent the Examiner is taking the position that the article itself evidences an earlier invention by another, it is respectfully pointed out that the author, Neil Gillespie, simply wrote the article about GE Lighting, and the implementation of "e" business techniques in that division. The reference to the "turbine optimizer" is part of a separate identification of "selected GE eAccomplishments" since January of 1999. It is clear from this report that the author, Neil Gillespie, is simply reporting activities within GE and that Mr. Gillespie had no other relationship to the work reported therein. In fact, at the end of the article, it is mentioned that Mr. Gillespie is a contributing editor to the magazine in addition to being a "Principal" of Infinities Strategic Consulting, of Pittsburgh, PA. Note also that the highlight box on page 1 that contains the information relied upon by the Examiner is acknowledged by the author to have come from GE (assignee of the instant invention). In other words, the mention of the turbine optimizer by Mr. Gillespie is in fact a reference to work done by the inventors of the instant application of which Mr. Gillespie had no part. A Rule 132 Declaration from the inventors establishes that the Turbine Optimizer mentioned in the TED article is in fact their own work.

Finally, to the extent the Examiner may be suggesting that the turbine optimizer referred to in the article was either placed on sale, sold or otherwise publicly disclosed prior to the filing date of the application, it is pointed out that insofar as the turbine optimizer system mentioned in the article refers to work done by the co-inventors of this application, it cannot be used as a reference against the claims of this application, absent a statutory bar. The article itself, of course, is not a statutory bar insofar as it was published no more than five months prior to the filing of the instant application, and there is nothing in the article to suggest that the turbine optimizer was implemented more than a year prior to the filing date of this application. In this regard, the inventors also confirm in the Declaration that the first offer for sale, public disclosure or use of the instant invention occurred no earlier than December 27, 1999.

For the above reasons, it is respectfully submitted that the Gillespie article cited and applied by the Examiner is not valid prior art against the claims of this application, and therefore, the rejection should be withdrawn.


In summary, claims 1-5, 8-13, 15-25 and 34-41 are now in condition for immediate allowance, and early passage to issue is requested. In the event, however, any

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small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

Respectfully submitted,

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